

25 CV 01753

CAUSE

DANIEL DE OLIVEIRA, MD	§	
PLAINTIFF	§	
	§	UNITED STATES DISTRICT
V.	§	COURT
	§	
VALLEY BAPTIST REALTY	§	
COMPANY, LLC – TENET	§	SOUTHERN DISTRICT OF
HEALTHCARE	§	
DEFENDANTS	§	
	§	NEW YORK
	§	

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
PURSUANT TO RULE 36

Sunday, March 2, 2025

TO: Defendants **VALLEY BAPTIST REALTY COMPANY, LLC** and **TENET**
HEALTHCARE CORPORATION

FROM: Plaintiff **DANIEL D. DE OLIVEIRA, MD**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff requests that Defendants admit or deny the following statements within 30 days of service.

I. LEGAL STANDARD

1. Under Rule 36(a)(1) of the Federal Rules of Civil Procedure, a party may serve a written request to admit the truth of matters relating to:

- o a) Facts, the application of law to fact, or opinions about either; and
- o b) The genuineness of any described documents.

2. The purpose of **Rule 36** is to narrow the issues for trial, eliminate the necessity of proving undisputed facts, and facilitate the efficient administration of justice.
3. Pursuant to **Rule 36(a)(3)**, a matter is deemed admitted unless the responding party serves a **written answer or objection within 30 days**.
4. Defendants must provide **specific denials or detailed explanations** why they cannot truthfully admit or deny any request, as required by **Rule 36(a)(4)**.

II. REQUESTS FOR ADMISSIONS

1. **Admit or deny** that Dr. Daniel De Oliveira, MD, is **not a party** to the lease agreement between Valley Baptist Realty Company, LLC and Valley Heart and Vascular Institute, PLLC.
2. **Admit or deny** that the lease agreement does **not contain** an arbitration clause.

3. **Admit or deny** that Defendants are **proceeding with arbitration** against Dr. Daniel De Oliveira, MD, **without a valid arbitration agreement**.
4. **Admit or deny** that **JAMS and Valley Baptist Realty Company, LLC** issued arbitration invoices to Dr. Daniel De Oliveira, MD, despite knowing there was **no arbitration clause**.
5. **Admit or deny** that Defendants have **not provided any written agreement** signed by Dr. Daniel De Oliveira, MD, agreeing to arbitration.
6. **Admit or deny** that Texas law and the Federal Arbitration Act require a **valid and enforceable arbitration agreement** before arbitration can proceed.
7. **Admit or deny** that Valley Baptist Realty Company, LLC could have **withdrawn the case** when jurisdiction was contested but knowingly pursued litigation against Dr. De Oliveira without jurisdiction.
8. **Admit or deny** that the order drafted by Defendants' attorneys and signed by Judge Garza **threatens Dr. De Oliveira with sanctions if he questions jurisdiction**.
9. **Admit or deny** that the **party asserting a claim has the burden to prove it**, and Defendants must prove they have the legal basis to arbitrate against Dr. Daniel De Oliveira, MD.

10. **Admit or deny** that attempting to impose arbitration **without a contractual basis** is a violation of due process under Texas law.

11. **Admit or deny** that **Cameron County Court at Law 1** proceeded with litigation despite lacking personal jurisdiction over Dr. Daniel De Oliveira, MD.

12. **Admit or deny** that **JAMS and Defendants** failed to verify the existence of a valid arbitration agreement before proceeding with arbitration.

13. **Admit or deny** that Defendants have **misrepresented** in legal proceedings that Dr. Daniel De Oliveira, MD, was personally liable under the lease agreement.

14. **Admit or deny** that **Defendants and JAMS** have used **improper legal tactics** to pressure Dr. Daniel De Oliveira, MD, into arbitration.

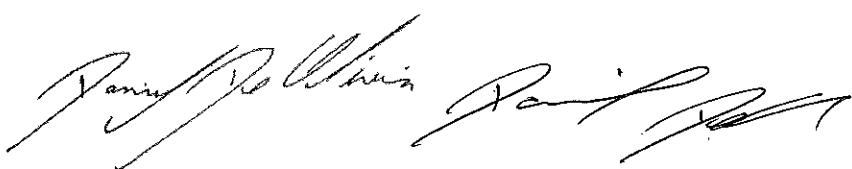
15. **Admit or deny** that Defendants have sought to force an individual into arbitration under a contract that does not contain an arbitration clause.

16. **Admit or deny** that **JAMS and Defendants** are proceeding with arbitration without proving they have the contractual right to do so.

III. CONCLUSION

Pursuant to Rule 36(a)(3), Defendants are required to **respond** within 30 days of service. Failure to timely respond will result in all matters being **deemed admitted**.

Respectfully submitted,



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